

Kelly H. Dove  
Nevada Bar No. 10569  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway  
Suite 1100  
Las Vegas, Nevada 89169  
Telephone: 702.784.5200  
Facsimile: 702.784.5252  
Email: kdove@swlaw.com

*Attorney for Defendant Bank of America, N.A.*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TIFFANY YIP, et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:21-cv-01254-ART-EJY

Consolidated with:  
2:21-cv-02149-APG-BNW

**STIPULATION AND ORDER TO  
ALLOW AMENDED COMPLAINT AND  
EXTEND TIME TO RESPOND TO THE  
COMPLAINTS**

**(First Request)**

A.M. HAMILTON, an individual, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:22-cv-00374-ART-EJY

Plaintiffs Tiffany Yip, et al. and A.M. Hamilton (“Plaintiffs”) and Bank of America, N.A. (“Defendant,” and together with Plaintiffs, the “Parties”), by and through their respective counsel, hereby submit this stipulation to allow Plaintiff Hamilton to file an Amended Complaint and for an extension of time for Defendant’s forthcoming motions to dismiss in the consolidated cases *Yip v. Bank of America*, No. 2:21-cv-01254, and *Hamilton v. Bank of America*, No. 2:22-cv-00374. This is the first request for an extension of these response deadlines, which were set forth

1 in the court's October 18, 2022 Order Consolidating Cases for Pretrial Purposes. *See Yip*, ECF  
2 No. 40; *Hamilton*, ECF No. 17.

3 On April 11, 2022, Defendant moved to consolidate *Yip* and *Hamilton*. *Yip*, ECF No. 32;  
4 *Hamilton*, ECF No. 10. While the motion to consolidate was pending, the Parties stipulated, and  
5 the Court Ordered, that Defendant's anticipated motion(s) to dismiss would be due 30 days after  
6 the Court's ruling on the motion to consolidate; Plaintiffs' opposition(s) would be due 30 days  
7 after the deadline for Defendant's motion(s); and Defendant's reply(ies) would be due 21 days  
8 after the deadline for Plaintiff's opposition. *Yip*, ECF No. 33 at 2; *Hamilton*, ECF No. 12 at 2.  
9 On October 18, 2022, the Court granted Defendant's Motion to Consolidate and ordered the cases  
10 "partially consolidated for pretrial purposes," but specified that separate motions to dismiss must  
11 be filed. *Yip*, ECF No. 40 at 6 & n.1; *Hamilton*, ECF No. 17 at 6 & n.1. As a result, Defendant  
12 must respond to the *Yip* First Amended Complaint and the *Hamilton* Complaint on or before  
13 November 17, 2022. *Yip*, ECF No. 40; *Hamilton*, ECF No. 17. Following the issuance of the  
14 Court's consolidation order, counsel for the *Hamilton* plaintiff informed Defendant's counsel that  
15 an amended complaint will be filed in that case by October 28, 2022.

16 In order to ensure counsel for Defendant has sufficient time to review and respond to the  
17 forthcoming amended complaint in *Hamilton*, and in light of the upcoming holidays, the Parties  
18 have agreed to the following schedule:

19 Plaintiff *Hamilton*, pursuant to Rule 15(a)(2), will file an amended complaint by October  
20 28, 2022;

21 Defendant's anticipated motions to dismiss for both *Hamilton* and *Yip* shall be due on  
22 December 8, 2022;

23 Plaintiffs' oppositions to Defendant's motions to dismiss shall be due on January 26,  
24 2023;

25 Defendant's replies in support of their motions to dismiss shall be due 28 days after the  
26 deadline for Plaintiffs' oppositions, but in any event no earlier than January 30, 2023.

27 IT IS SO STIPULATED.  
28

1  
2 Dated: October 28, 2022

Dated: October 28, 2022

3 By: /s/ Michael Kind

4 Michael Kind (No. 13903)

KIND LAW

8860 South Maryland Parkway, Suite 106

Las Vegas, Nevada 89123

(702) 337-2322

mk@kindlaw.com

By: /s/ Kelly H. Dove

Kelly H. Dove (No. 10569)

SNELL & WILMER LLP

3883 Howard Hughes Parkway, Suite 1100

Las Vegas, Nevada 89169

(702) 784-5200

kdove@swlaw.com

7 George Haines (No. 9411)

Gerardo Avalos (No. 15171)

FREEDOM LAW FIRM

8985 S. Eastern Ave., Suite 350

Las Vegas, Nevada 89123

(702) 880-5554

ghaines@freedomlegalteam.com

gavalos@freedomlegalteam.com

James McGarry (pro hac vice)

GOODWIN PROCTER LLP

100 Northern Avenue

Boston, MA 02210

(617) 570-1000

jmcgarry@goodwinlaw.com

Yvonne Chan (pro hac vice)

JONES DAY

100 High Street

Boston, MA 02210

(617) 449-6914

ychan@jonesday.com

Joshua Swigart (pro hac vice)

SWIGART LAW GROUP, APC

221 Camino del Rio S., Suite 308

San Diego, CA 92108

(866) 219-3343

josh@swigartlawgroup.com

*Attorneys for Defendant Bank of America, N.A.*

*Attorneys for Plaintiff Tiffany Yip, et al.*

18 By: /s/ George O. West

George O. West III (No. 7951)

LAW OFFICES OF GEORGE O. WEST III

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

(702) 664-1168

gowesq@cox.net

E. ADAM WEBB (pro hac vice)

WEBB, KLAS & LEMOND LLC

1900 The Exchange S.E., Suite 480

Atlanta, Georgia 30339

(770) 444-0773

adam@webbllc.com

*Attorneys for Plaintiff A.M. Hamilton*

**ORDER**

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: October 31, 2022